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SUBJECT: Challenge Procedures

NOTE

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Rather than comment on [] paper of 19 November on the same subject, I have written a new paper which deliberately avoids a rehearsal of the various arguments against challenge procedures. I take as a point of departure the DCI's instruction to the ICS of December 1973 to develop such procedures. (The concept, contrary to [] assertion, was not first advanced by the D/DCI/IC on 2 January 1974--the D/DCI/IC at that time was responding to the DCI, who himself was responding in part to our Middle East Post Mortem.) I have also deliberately avoided a discussion of various proposed alternatives which, in my view, are impractical or undesirable (e.g., [] idea of an NIO-size office of professional challengers).

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Instead, I have sought here to advocate one specific approach to the problem--the soundest and most sensible I could come up with. (And it may be that others, including [] will wish to play the devil with my advocacy.) In addition to providing broad considerations, I have used an idea broached by [] in a brief paragraph (on the bottom of p. 18 in his memo), developing this into a general proposal and suggesting some specific procedures.

I suggest that this memo be given to the DCI for his consideration (presumably after we have shown it to the D/DCI/NIO). If the DCI concurs, I would then urge that he circulate it for later discussion at USIB.

[]

Chief, PRD/IC

Attachment

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MEMORANDUM

SUBJECT: Challenge Procedures - A Proposal

Some General Considerations

The DCI first proposed the establishment of challenge procedures in October 1973, when, in the aftermath of the failure of intelligence to warn of the impending Arab attack on Israel, he and others suggested that a means be found to introduce some form of devil's advocacy into the Community's analytical proceedings.*

Briefly, what seems to be needed is a challenge procedure which would, inter alia, assist production analysts to overcome three occupational hazards to which, according to our post-mortem reports, they are occasionally subject:

--Preconceptions: the tendency to discount information that runs counter to long-held convictions;

*Specifically, the DCI stated: "The IC Staff... will develop regular systems to be implemented by the NIOs to ensure that serious divergent points of view and conflicting elements of information not be submerged by managerial fiat or the mechanism of reinforcing consensus.... Such systems will also be charged with ensuring the establishment of means to provide the views of devils' advocates, adversary procedures, and the use of gaming techniques as appropriate." ("The Performance of the Intelligence Community Before the Arab-Israeli War of October 1973: A Preliminary Post-Mortem Report," submitted by the DCI, December 1973, p. 22.)

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--Reinforcing consensus: the tendency for divergent views of individual analysts to be submerged in a sea of conventional collective wisdom;

--The current intelligence syndrome: a myopic view of the forest because of forced focus on current intelligence trees.

The notion that some way should be found to challenge conventional substantive judgments has by now itself become quite conventional.* But perceiving the wisdom of establishing challenge procedures does not lead easily into an appreciation of precisely what form such procedures should take. It is the who, when, how, and why of challenge procedures which confront those who seek improvements in analytical performance:

- just who in the community (and with what credentials) is entitled to challenge whom?
- just when (and vis-a-vis what) should the challengers perform their art, i. e., challenge?

* Conventional enough, at any rate, to elicit challenges from those who see only problems in a devil's advocate procedure.

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• precisely how should the challenger perform, i.e., through what system or medium should he present his contrary views?

• and, finally, why should the challenger risk his (and perhaps his sponsoring agency's) reputation for sagacity for the sake of representing, by definition, a singular and probably unpopular point of view?

Some Guiding Principles

Clearly, some general rules of the game should be developed. A challenger should possess substantial substantive competence in the area under exploration, but he should not be so close to the subject that he lacks perspective and suffers from the analytical disabilities listed above. He should be familiar with Community processes and, to a degree, Community "politics." And he should be articulate and persuasive. (He need not believe his own advocacy, but he should be devilish enough to convince others that he does.) Finally, and obviously, he should have the time to do the job properly.

When should this paragon exercise his persuasive talents in this strange manner? Certainly not as a matter of routine concerning ordinary subjects. He should confine himself to matters of high

moment (those of long-term significance as well as of immediate concern) and papers of particular consequence (NIEs, Alert Memoranda, etc.). And he should deal, full-time, only with specific circumstances, problems, and/or papers for a stated period (weeks or months). A more or less permanent assignment as a devil's advocate would soon sap the vitality and demolish the credibility of even the most enthusiastic and skillful practitioner. And the devil probably would, over time, withdraw from the process.

There already is, in being, Community machinery, the NIO system, which could accommodate--effectively, if not easily--the establishment of challenge procedures. No other component of the Community performs so many significant substantive functions for the DCI and USIB; no other component is so close to the consumers; and no other component is so involved in the production of important Community assessments. And from the point of view of the advocate himself, no other component could so readily provide him with the papers, contacts, forums, and general support necessary for the practice of devils' advocacy.

Indeed, in our canvass of alternatives, we could find no other office or mechanism which could properly support a regular devil's

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advocate process, and we do not--for a variety of reasons--favor the establishment of a new institution to perform this task.

And what of the risk of serving as a champion of unpopular causes? Perhaps the devil's advocate--assured that he would serve only a short tour, and guaranteed a respectful (if not sympathetic) audience--might find the exercise of his imagination and the influence he brought to bear on the weighty judgments of the Community reward enough. And, at the conclusion of his sentence, he might find some solace in the drink which the NIO will buy for him at Sans Souci.

And Some Specific Proposals

Assuming, then, that challenge procedures are to be instituted within an NIO-sponsored system, we would propose the following specific measures:

A. * The DCI or the D/DCI/NIO, in consultation with USIB, if appropriate, should determine if a given subject and paper seem sufficiently important to warrant the institution of official challenge procedures. (A standard country paper on, say, Argentina would probably not so warrant; an SNIE on, say, Soviet reactions to specific US courses of action, almost certainly would.)

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USIB principals (and perhaps other senior figures in the Community) should be encouraged to nominate candidates for devil's advocate positions. In consultation with the D/DCI/NIO, the D/DCI/IC, and others, as appropriate, the NIO responsible for a given paper should then appoint an intelligence officer as a substantive challenger, responsible as a devil's advocate for the effective presentation of contrary substantive views.

1. The possible appointment of a challenger should be discussed early on (perhaps during Terms of Reference meetings) with the various agency representatives and with USIB.
2. The designated devil's advocate should be an intelligence officer who has appropriate substantive credentials, experience, and seniority. He could be drawn from any element of the Community and might, in some circumstances, be another NIO, perhaps one with related substantive responsibilities.
3. The devil's advocate should play his role for the life of the paper concerned--in the case of an NIE, from the TR stage through USIB consideration; in the case of an Alert Memorandum, from its inception through the DCI's approval. He should, in effect, serve a temporary tour in the devil's advocate capacity.

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4. There are of course practical obstacles to such a procedure. Few if any components will feel free to spare a senior officer for devil's advocate duty. The DCI may thus wish to ask USIB principals to consider this procedure to be a necessary part of USIB's set of substantive and estimative responsibilities--and, in effect, as significant as providing, for example, representatives to attend meetings on NIEs.

5. In some instances (e.g., NIE 11-3/8), the NIO might wish to consider the appointment of more than one devil's advocate, depending on the size, complexity, and diversity of the paper under preparation.

B. The challenger would be charged with: developing and presenting plausible arguments against the conventional wisdom and against any or all of the papers' major judgments; expressing disbelief or skepticism about certain specific pieces of evidence and/or discrete conclusions based on them; challenging the logic and coherence of given lines of argument; and identifying any gaps in information and "holes" in argumentation which he perceived as affecting major judgments.

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1. The devil's advocate would be responsible for eliciting the views of other responsible officers in the Community who held views contrary to those offered in the paper under review (contrary to those offered in expressions of dissent as well as in the main text).

2. The devil's advocate should present his advocacy orally, during meetings on the paper, and, when appropriate, in writing. The NIO in charge would be duty-bound to respond to the challenger's case, though would be empowered to accept or reject his advice after due consideration. The degree to which the devil's advocate was able to influence substantive judgments in the paper would thus ultimately be determined by the NIO.

3. All papers subjected to this form of challenge procedure would bear a notation to that effect somewhere (in an introduction, opening statement, footnote, whatever) in the paper. In some instances, the burden of the challenger's argument (especially if otherwise ignored) could also be succinctly stated. For example:

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The principal conclusions of this estimate were subjected to a critical review by the Community's "devil's advocate." The contention of the advocate that, in the circumstances described in the paper, the Arab governments would almost certainly sue for peace (because they would be principally concerned about their own survival) was carefully considered. This argument was, however, rejected, in the main because of reasons discussed in paragraphs 14-16 of the text.

4. Occasionally, however, the NIO might wish to reproduce the devil's advocate's case in extenso.* If so, that case should be interwoven with the main text. This would minimize repetition and confusion and place arguments in a proper context. (Most NIEs, etc., already march in this manner, and should continue to do so, though the pros and cons of course should not be presented in a way likely to obscure the conclusions.)

*Indeed, it has been suggested that many papers take the form of straight advocacy but provide a separate annex setting forth the paper's pros and the devil's advocate's con arguments; or that the main text itself should interweave these pros and cons. Adoption of the first suggestion--in effect the publication of a devil's annex--would, with perhaps very rare exceptions, probably only irritate and confuse the consumer.

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5. Whatever the impact of his role on a given paper, the devil's advocate should make his case available to other elements of the Community (e.g., current intelligence components) so that they, too, could be informed by his advocacy.



Chief, Product Review Division

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